

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**REBECCA ANN MORGAN**

**PLAINTIFF**

**VS.**

**CIVIL ACTION: 3:20-cv-00109-GHD-JMV**

**DEBRA GILLEY, ET AL.**

**DEFENDANTS**

**ORDER STAYING CERTAIN PROCEEDINGS**

This matter is before the court, *sua sponte*, to stay discovery due to Defendants' motion to dismiss [13] for, among other things, "fail[ure] to perfect service of process."

Local Uniform Civil Rule 16(b)(3)(B) provides that "a motion asserting... a jurisdictional defense stays the attorney conference and disclosure requirements and all discovery, pending the court's ruling on the motion, including any appeal. Whether to permit discovery on issues related to the motion and whether to permit any portion of the case to proceed pending resolution of the motion are decisions committed to the discretion of the court, upon a motion by any party seeking relief." A claim of insufficient process is a jurisdictional defense. *See Flory v. U.S.*, 79 F.3d 24, 25-26 (5<sup>th</sup> Cir. 1996). Accordingly, a stay of certain proceedings is appropriate.

Should the parties desire to undertake jurisdictional discovery they should first contact the court for scheduling of same within seven (7) days hereof, setting forth the type and scope of such discovery and an estimated time frame for constructing it. If any party objects to the motion for discovery, it shall file its objection within four (4) days following service of the motion for jurisdictional discovery.

**IT IS, THEREFORE, ORDERED** that aforementioned proceedings are hereby STAYED and Defendant shall notify the undersigned magistrate judge within seven (7) days of a decision on the motion to dismiss and shall submit a proposed order lifting the stay.

**SO ORDERED** this, June 18, 2020.

/s/ Jane M. Virden

**UNITED STATES MAGISTRATE JUDGE**